

ORDINANCE NO. 06-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER; AMENDING ARTICLE I, SECTION 1.6 OF THE HOME RULE CHARTER, ENTITLED "RELATION TO MUNICIPAL ORDINANCES"; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE GENERAL ELECTION ON NOVEMBER 7, 2006; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FURTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Leon County Home Rule Charter, Section 1.6 provides that municipal ordinances prevail over county ordinances to the extent of any conflict within the boundaries of the municipality; and

WHEREAS, the Leon County Home Rule Charter, Section 5.2(3) provides that the Leon County Home Rule Charter may be proposed to be amended by the adoption of an ordinance by the Board of County Commissioners subject to approval by a vote of the electors at a referendum; and

WHEREAS, the Board of County Commissioners has found that it is in the best interests of the County to provide that the Leon County Home Rule Charter be amended to provide that county ordinances which relate to stormwater volume or stormwater quality shall prevail over municipal ordinances within a municipality in the event of a conflict between the municipal and county ordinance; and

WHEREAS, the Board of County Commissioners of Leon County, Florida, after hearing testimony of concerned citizens at a duly noticed special public hearing for the consideration of this matter, finds it in the best interests of the people of Leon County that this matter be placed on referendum for voter consideration at the next general election.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Article I, Section 1.6 of the Home Rule Charter is hereby amended to read as follows:

Sec. 1.6. Relation to municipal ordinances.

Except as otherwise provided by law or this Charter, municipal ordinances shall prevail over county ordinances to the extent of any conflict within the boundaries of the municipality, except for county ordinances in any way related to stormwater volume or stormwater quality, in

1 which case county ordinances shall prevail. To the extent that a county ordinance and a
2 municipal ordinance shall cover the same subject without conflict, then both the municipal
3 ordinance and the county ordinance shall be effective, each being deemed supplemental to the
4 other.
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6 **Section 2. Ballot question to be presented to the electorate.**

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8 The proposed amendment to the Charter of Leon County, Florida, shall be presented to
9 the qualified Leon County Electorate by placing the question to adopt same on the ballot at the
10 general election to be held on November 7, 2006.
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12 **Section 3. Ballot question form.**

13
14 The question on the ballot shall be substantially in the following form:
15

16 **AMENDMENT TO CHARTER FOR LEON COUNTY, FLORIDA**
17 **AS PROPOSED BY LEON COUNTY ORDINANCE 2006-__**
18

19 **Question**

20
21 Shall the Home Rule Charter for Leon County, Florida be amended to provide
22 that municipal ordinances shall prevail over county ordinances to the extent of
23 any conflict within the boundaries of the municipality, except for county
24 ordinances related to stormwater volume or stormwater quality, in which case
25 county ordinances shall prevail, which shall take effect on January 1, 2007?
26

27 Yes for Approval ____

28
29 No for Rejection ____
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31 **Section 4. Further authorization.**

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33 The Board of County Commissioners of Leon County, Florida, is hereby authorized to
34 adopt all resolutions and take all other actions necessary for this charter amendment referendum
35 proposition and those propositions referenced in the proposed charter amendment herein to be
36 properly placed on the ballot for the general election of November 7, 2006. Said referendum
37 shall be conducted according to the requirements of law governing referendum elections in the
38 State of Florida.
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40 **Section 5. Severability.**

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42 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
43 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
44 separate and independent provision and such holding shall not affect the validity of the
45 remaining portions thereof.
46

Section 6. Effective date.

This ordinance shall have effect upon becoming law, but shall be of no further force or effect if the proposed amendment to the Leon County Charter is not duly approved at the November 7, 2006, general election. The amendment to the Charter of Leon County, Florida, as proposed by this ordinance, shall become effective January 1, 2007, if the Charter amendment is approved by a "yes" vote of a majority of those duly qualified electors voting on the question posed at the November 7, 2006 referendum.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this 1st day of August, 2006.

LEON COUNTY, FLORIDA

BY: BILL PROCTOR, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: _____
Clerk

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

BY: HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY